

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Secretary,

USDS SDNY
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DOC #: _____
DATE FILED: <u>3/6/08</u>

WILLIAM L. WESNER, Individually and On Behalf of All Others Similarly Situated,	x	Civil Action No. 1:07-cv-11225-RJS
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
UBS AG, et al.,	:	
Defendants.	:	
ROBERT GARBER, Individually and On Behalf of All Others Similarly Situated,	x	Civil Action No. 1:08-cv-00969-RJS
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
UBS AG, et al.,	:	
Defendants.	:	

STIPULATION AND [PROPOSED] ORDER CONSOLIDATING ACTIONS,
APPOINTING LEAD PLAINTIFFS AND APPROVING LEAD
PLAINTIFFS' SELECTION OF LEAD COUNSEL

WHEREAS, the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. §78u-4(a)(3)(B)(iii), provides, *inter alia*, that the most adequate plaintiff to serve as lead plaintiff is, in the determination of the Court, the "person or group of persons" that has the largest financial interest in the relief sought by the class and otherwise satisfies the requirements of Fed. R. Civ. P. 23;

WHEREAS, on February 11, 2008, a motion was filed by the City of Pontiac Policemen's and Firemen's Retirement System ("Pontiac"), Arbejdsmarkedets Tillægspension ("ATP"), Arca SGR S.p.A., Tyne and Wear Pension Fund and United Super Pty Ltd as Trustee of Cbus (collectively, the "Global Funds Group") seeking consolidation, appointment as Lead Plaintiff and approval of its selection of the law firms of Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway Topaz & Kessler, LLP as Lead Counsel;

WHEREAS, on February 11, 2008, a motion was filed by Deka International (Ireland) Ltd., International Fund Management, S.A. (Luxemburg) ("IFM"), Union Asset Management Holding AG ("Union"), Landesbank Berlin Investment GmbH, Erste-Sparinvest Kapitalanlagegesellschaft m.b.H., and the Arkansas Public Employees Retirement System (collectively, the "Institutional Investor Group") seeking consolidation, appointment as Lead Plaintiff and its approval of Grant & Eisenhofer, P.A. and Motley Rice LLC as Lead Counsel;

WHEREAS, on February 11, 2008, a motion was filed by the Police and Fire Retirement System of the City of Detroit and Detroit General Retirement System (collectively, the "Detroit Funds") seeking consolidation, appointment as Lead Plaintiff and their approval of Kirby McInerney LLP as Lead Counsel;

WHEREAS, the Global Funds Group, the Institutional Investor Group and the Detroit Funds believe it is in the best interests of the putative class for ATP, Pontiac, Union, and IFM (collectively,

the "UBS Institutional Investors") to jointly litigate this action as Lead Plaintiffs and for their choice of counsel to serve as Lead Counsel;

IT IS HEREBY STIPULATED and AGREED, subject to the Court's approval, as follows:

1. The Related Actions are hereby consolidated for all purposes under Fed. R. Civ. P. 42(a);
2. The UBS Institutional Investors are appointed to serve as Lead Plaintiffs in the above-captioned action pursuant to 15 U.S.C. § 78u-4(a)(3)(B).
3. The UBS Institutional Investors' selection of the law firms of Schiffman Barroway Topaz & Kessler, LLP, Grant & Eisenhofer, P.A., and Motley Rice LLC as Lead Counsel is hereby approved. Coughlin Stoia Geller Rudman & Robbins LLP shall serve as Liaison Counsel for the Class. These firms will serve as Class Counsel and, as such, shall provide general supervision of the activities of plaintiff's counsel and shall have the following responsibilities and duties to perform or delegate as appropriate:
 - (a) to brief and argue motions;
 - (b) to initiate and conduct discovery, including, without limitation, coordination of discovery with defendants' counsel, the preparation of written interrogatories, requests for admissions, and requests for production of documents;
 - (c) to direct and coordinate the examination of witnesses in depositions;
 - (d) to act as spokesperson at pretrial conferences;
 - (e) to call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;

(f) to initiate and conduct any settlement negotiations with counsel for defendants;

(g) to provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;

(h) to consult with and employ experts;

(i) to receive and review periodic time reports of all attorneys on behalf of plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs, and to determine and distribute plaintiffs' attorneys' fees; and

(j) to perform such other duties as may be expressly authorized by further order of this Court.

DATED: March 3, 2008

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SAMUEL H. RUDMAN
DAVID A. ROSENFELD

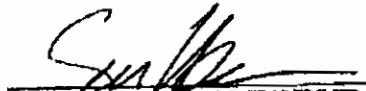


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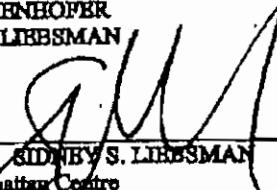
[Proposed] Liaison Counsel

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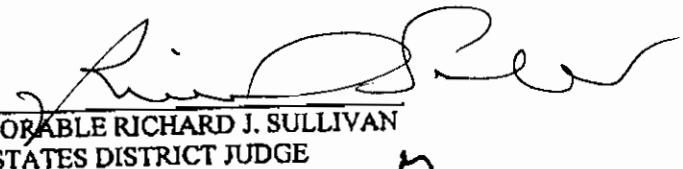
Counsel for the Detroit Funds

* * *

ORDER

IT IS SO ORDERED.

DATED: 3/6/08


THE HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE